

Notice of Allowability

Application No.

10/006,525

Examiner

Tadesse Hailu

Applicant(s)

WONG ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the AMENDMENT filed May 22, 2006.
2. ☒ The allowed claim(s) is/are 1-11, 13, 22-32 and 36-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TADESSE HAILU
Patent Examiner

Examiner's Statement of Reasons for Allowance

1. This *Examiner's Statement of Reasons for Allowance* is in response to the AMENDMENT submitted with filing of RCE on May 22, 2006.
2. The pending claims 1-11, 13, 22-32, and 36-38 are allowed.

The following is an examiner's statement of reasons for allowance:

Similar to the current invention, Barkan discloses an apparatus and method for sensing positional orientations of a portable terminal. Also similar to the current claimed invention, Barkan also discloses a portable terminal (**501**) including a housing having a plurality of housing segments, that is front segment (**503**) ("first segment") and upper rear segment (**505**) ("second segment"). The terminal (**501**) also includes a plurality of functions or modules, wherein each modules being encased in one of the housing segments (e.g., optical scanning component or bar code reader functionality ("first module") in the upper rear segment and touch display and input device functionality ("second module") in the front segment). The terminal also includes a sensor (509a) to detect an orientation of the portable terminal (Abstract). Furthermore, Barkan also discloses that the first module, that is the touch display (503) and input device functionality (507) includes user interface features to enable user to input (via touch display 503) and to provide output (via touch display 503). Barkan also discloses the first module includes one or more user-interface features (e.g., buttons, touch display, etc) provided with the first housing segment as claimed in the amended claim 1.

Barkan discloses a second module (optical scanning component) located in the upper rear segment of the terminal (501), this module provides an audible output upon detection of a valid bar code read signal, thus this module will be able to provide output to the user as claimed. This module, however, does not provide user interface input means. Rather, the user input is initiated from the first module (via tapping the touch display 503), not from the second module (505). For example, the touch display 503 is used to activate the optical scan components with terminal 501b to obtain a read of optically encoded information, such as that contained in barcode 511. Thus, for this reason, the Barkan fails to anticipate claims 1-11, 13, 22-32, and 36-38.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

CONCLUSION

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

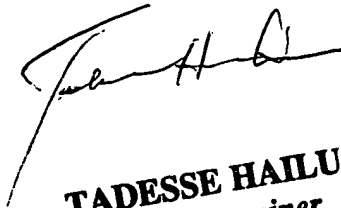
4. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private -PAIR or Public-PAIR. Status information for unpublished applications is available through

Art Unit: 2173

Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kincaid, Kristine, can be reached at (571) 272-4063 Art Unit 2173 and 2174.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
7/24/06



TADESSE HAILU
Patent Examiner